

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
KEVIN MICHAEL SHEA,)	
Register Number 05954-028,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 12th day of July, 2011.

THOMAS G. WALKER
United States Attorney

By: /s/ Michael G. James
MICHAEL G. JAMES
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Attorney for Petitioner
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N.Y. Bar #2481414

CERTIFICATE OF SERVICE

This is to certify that I have this 12th day of July, 2011, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

Kevin Michael Shea
Reg. No. 05954-028
FCI Butner
P.O. Box 1000
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street
Suite 450
Raleigh, North Carolina 27601

/s/ Michael G. James
MICHAEL G. JAMES
Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office
Civil Division
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CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Kevin Michael Shea, Register Number 05954-028, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 150-month term of imprisonment and five-year term of supervised release, following his conviction for Receiving Child Pornography, in violation of 18 U.S.C. § 2252(a)(2); and a concurrent 120-month term of imprisonment and five-year term of supervised release, following his conviction for Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4)(B) (S.D. Ind.) (Case No. 1:98CR00163). His offense conduct included photographing a 14-year-old juvenile exposing his genitals or engaging in sexually explicit conduct. His projected release date is September 26, 2011.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by

18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

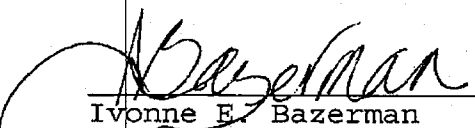
(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct. Additionally, he has prior convictions for: Child Molesting, in the Circuit Court, Hamilton County, Indiana (Case No. CCR78-091); Child Molesting, in the Circuit Court, Hendricks County, Indiana (Case No. CCR580-27), for performing oral sex on a 13-year-old boy; Child Molesting, in the Superior Court, Marion County, Indiana (Case No. CR80-233D), for performing oral sex on a 12-year-old boy; Child Molesting, in the Superior Court, Marion County, Indiana (Case No. 49G01-8811-CF-138293), for offering a ride to a 15-year-old male victim, driving the victim to a warehouse, and forcing the victim to perform oral sex on him; Child Molesting, in the Superior Court, Marion County, Indiana (Case No. 49G02-9210-CF-130477), for twice performing oral sex on a 14-year-old male victim; and three counts of Indecent Liberties, in the Superior Court, Spokane County, Washington (Case No. 82-1-00488-1), for engaging in oral and anal sex with a nine-year-old boy, for performing oral sex on a ten-year-old boy and attempting to have the boy

perform oral sex on him, and performing oral sex on another ten-year-old boy;

(b) A psychological review and assessment indicated Axis I diagnoses of Pedophilia, Sexually Attracted to Males, Nonexclusive Type;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his current and prior offense conduct, and a history of revocation or failure to meet the stipulations of conditional release, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Ivonne E. Bazerman
Chairperson
Certification Review Panel
Federal Bureau of Prisons

6/22/2011
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
KEVIN MICHAEL SHEA,)	
Register Number 05954-028,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a) (5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the August 04, 2010 Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This _____ day of _____, 2011.

United States District Judge